

Ex Parte and Under Seal

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	Case No. 2:22-CR-117
Plaintiff,	:	
	:	JUDGE EDMUND SARGUS
vs.	:	
	:	
CORDELL A. WASHINGTON, ET AL.,	:	
	:	
Defendants.	:	

**EX PARTE AND UNDER SEAL STATUS REPORT OF THE
COORDINATING DISCOVERY ATTORNEY FOR JUNE 2023**

I.

INTRODUCTION

John Ellis, the court-appointed Coordinating Discovery Attorney (“CDA”), provides this status report for June 2023. The CDA assists defense counsel with the management of discovery, including resolving production issues with the government, preventing duplicative organizational work, and providing customized tools to ensure efficient review of discovery. This report is presented *ex parte* because it summarizes the CDA’s work providing litigation support services including organizational strategies and may describe the need to incur third-party expenses, in accordance with the Court’s March 1, 2023, order appointing the CDA to provide monthly *ex parte*

status reports depicting the status of work. ECF No. 394. Find attached the Application and Proposed Order seeking to file this report *ex parte* and under seal.

II.

STATUS REPORT

Discovery Totals for Productions Received to Date: No additional discovery was received during the month of June. The CDA last received discovery from the government on April 14, 2023:

Date Received	Date to Counsel	Production	Total Size	Description
April 14	TBD	1 & 3	TBD	TBD

There remain unresolved issues with productions one and three, and the CDA is still awaiting resolutions from the government before he can complete a meaningful assessment of discovery. For efficiency and cost containment purposes, the CDA is waiting to resolve issues with discovery productions one and three and to receive discovery production four before providing defense teams with hard drives containing all discovery productions. On May 9 the government indicated production four was forthcoming, however, as of the filing of this status report the government has not provided an estimate for when production four will be produced. For these reasons, the CDA is providing drives to defense counsel who

have an immediate need for the above discovery in the format provided by the government. The CDA and his staff built two content search indexes (dtSearch & PDF Index), converted jail calls, and created a sortable spreadsheet containing information such as date, time, and hyperlinks to open files, all of which will be included on the hard drives being prepared for defense teams once the concerns with productions one and three are resolved and production four is produced.

Discovery Totals for Production Two: This production contains pole camera footage and was produced on March 16, 2023. It totals 6.6 terabytes, and includes footage from four locations, amounting to 768 days of footage~December 2021 through June 2022.

CDA Actions:

Summary of Discovery Availability: The table below summarizes the various sources for discovery available to counsel for each production:

Productions	Description
2 (Pole camera)	Available for counsel upon request, including specific subsets/dates/times.
1 & 3 (Traditional)	TBD. Available upon request as received by the government.

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Communications with the Government: As mentioned in the CDA's April status report, the CDA has requested the government reproduce the wiretap data in a different format and to include with HTML linesheets with operable links to audio files, synopsis files, Google Earth files, etc. Moreover, the CDA has advised the government of issues with overlapping Bates numbers, potentially missing files, and items provided which are not included in the discovery letter. On May 9 the assigned AUSA Emily Czerniejewski advised that the prosecution team is in trial until further notice. The CDA last inquired about the status of his requests and additional discovery on June 29. On June 30, AUSA Czerniejewski advised that the prosecution team will follow up to discuss these concerns after a return to the office the first week of July. The CDA and his staff will continue to meet and confer with counsel from the USAO to address technical challenges with previous and forthcoming discovery productions.

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III.

CONCLUSION

John Ellis, the Coordinating Discovery Attorney, and his staff will continue to assist defense counsel with the management of discovery.

Respectfully submitted,

Dated: July 12, 2023

/s/ John C. Ellis, Jr.
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